



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Administration Committee

DATE: April 3, 2013

FR: General Counsel

W.I.: 1151

RE: Contract Amendment - Special CEQA Counsel: Thomas Law Group (\$250,000)

This memorandum requests the Committee's approval to add \$250,000 to MTC's sole source contract with the law firm of Thomas Law Group to act as Special California Environmental Quality Act (CEQA) Counsel and to extend the contract through June 30, 2014.

Background

In October 2009, this Committee authorized a sole source contract with Remy, Thomas, Moore and Manley, LLP, to provide legal assistance to MTC and ABAG related to SB 375 (Steinberg), which mandates that regions in the state with a metropolitan transportation planning organization begin a process leading to the adoption of a sustainable communities strategy (SCS) for incorporation into their regional transportation plans (RTP), and related to CEQA in the context of greenhouse gas emissions. The sole source contract was based on MTC's prior experience with a firm partner, Tina Thomas, a respected CEQA expert, who served as Senator Steinberg's CEQA advisor when SB 375 was being written, represented MTC in an air quality litigation case, and provided invaluable assistance to MTC when the 2035 Transportation Plan, adopted by the Commission in March 2009, was being prepared. In early 2012, Ms. Thomas formed her own firm (Thomas Law Group), and MTC approved the assignment of the contract to her firm. The 2009 authorization was for a \$500,000 contract, with MTC authorized to contribute \$250,000 towards the contract, and the Association of Bay Area Governments ("ABAG") expected to contribute \$250,000.

The original contract was intended to encompass the duration of the SCS process through adoption of the 2013 SCS/RTP to June 2013, and as noted above, the cost was to be split by MTC and ABAG. ABAG was unable to contribute funding to the contract, and MTC has expended approximately \$192,000 of its original \$250,000 authorization. The Office of General Counsel recommends that the current contract term be extended through June 30, 2014 in order to provide, if necessary, for adoption of the SCS/RTP after June 2013 and provide for post adoption legal work, if necessary, and that \$250,000 be added to the contract amount.

Recommendation:

We recommend that this Committee authorize the General Counsel to negotiate, and the Executive Director or his designated representative to enter into a contract amendment with Thomas Law Group, adding \$250,000 and extending the term through June 30, 2014.



Adrienne Weil

AW:MJM:rc

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REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Legal Services Contract Amendment

Work Item No.: 1151

Law Firm: Thomas Law Group
Sacramento, CA

Work Project Title: Special CEQA Counsel

Purpose of Project: Advise MTC's Office of the General Counsel regarding Sustainable Communities Strategy (SCS)/Regional Transportation Plan (RTP) and California Environmental Quality Act (CEQA) for a period extending through June 2014.

Project Cost Not to Exceed: This Amendment = \$250,000
Total Contract Amount Prior to this Amendment = \$250,000
Total Authorized Contract after this amendment = \$500,000

Funding Source: Legal Contingency

Fiscal Impact: Funds included in FY 2012-13 legal contingency budget.

Motion by Committee: That the General Counsel is authorized to negotiate, and the Executive Director or his designated representative, is authorized to enter into a contract amendment with Thomas Law Group through June 30, 2014, as described above and in the General Counsel's memorandum dated April 3, 2013, and the Chief Financial Officer is directed to set aside funds for such contract amendment.

Administration Committee:

Adrienne J. Tissier, Chair

Approved: Date: April 10, 2013